



June 30, 2010

Phil Isenberg, Chairman
Delta Stewardship Council
P.O. Box 530
Walnut Grove, CA 95690

RE: Interim Plan – Comments

Dear Chairman Isenberg:

We are submitting this letter to comment on the first draft of the Interim Plan for the Delta. I want to commend the detail-oriented job you, your fellow Delta Stewardship Council members and staff are doing in taking on the numerous challenging tasks that are necessary to produce a sound Delta Plan by the end of next year.

River Islands desires to better understand the land use elements of the Delta Plan. In that regard, the Draft Interim Plan (IP) states that “No state or local agency should undertake or approve a project that is potentially a covered action until the Delta Plan is adopted...” While we understand the principle behind this statement, I share the concern voiced at the Council’s June 24th meeting about the need to clarify the nature of those activities or approvals that qualify as a covered action. In particular, I have the following questions:

- What is the definition of a “covered action”? It is a new General Plan approval or something as minor as a modification of a tentative map?
- Also, what is the meaning of “significant impact” (as referenced in Section 85057.5 (a) (4) of the Water Code)? As Executive Director Joe Grindstaff noted in this discussion, there is a need to specifically establish the statutory meaning of this term.

Based on the above lack of definition we have a concern that some existing land use rights may be undermined by the Interim Plan. We strongly support the notion of local land use control and do not believe that the new legislation intended to lessen this local authority.

The concerns cited above were part of the discussion of the Council’s duty to hear appeals challenging the certification of a covered action as being consistent with the Delta Plan. River Islands strongly agrees with council members and staff that an “endless cycle” of appeals needs to be avoided and applaud the Council’s commitment to achieve that end. But that also highlights the need for clarification of the items mentioned in the previous paragraph; and the sooner that can be done the better.



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The draft IP declares that "Some past and pending development projects in the secondary zone are in locations that could compromise flood protection for existing Delta islands and residents by constraining floodways and limiting flood-fighting options." I respectfully request more specific information on the projects of concern to the Council. There has been a significant amount of hydraulic analysis completed for our area of the Delta (the south Delta) and we would to make that available to the State in your efforts to determine levels of impact.

Land use in the Cosumnes/Mokelumne floodway and the San Joaquin/South Delta lowlands has been identified as needing "immediate strengthening." It is my understanding that the Delta Protection Commission is examining this and other land use issues as part of its study, as required by SBX7 1, of potential changes in the Primary and Secondary Zones of the Delta, which the Council will review. We look forward to reviewing that study upon completion as well. However, we understand that the Commission has requested an extension on the July 1, 2010 due date for the report. While I understand that the Council is moving expeditiously out of the necessity to meet its own statutory deadline for the completion of the Delta Plan, I respectfully request that no action be taken regarding the aforementioned floodway and lowlands until stakeholders have had a chance to review and comment on the commission's study and the Council's possible actions.

Finally, River Islands is confident that the Council will give all due consideration to the Legislature's finding and declaration in SBX7 1 that "Existing developed uses, and future developments that are carefully planned and developed consistent with the policies of this division, are essential to the economic and social well-being of the people of this state and especially to persons living and working in the Delta."

River Islands looks forward to productive engagement with the council on these issues as the challenging process of devising the Delta Plan moves forward and formally requests that we be noticed of all future meetings and be able to review all future documentation regarding this issues.

Sincerely,



Susan Dell'Osso
Project Director
River Islands at Lathrop

cc: Members of the Delta Stewardship Council
Members of the Delta Protection Commission
Cary Keaton – City of Lathrop